

1 Introduced by the Council President at the request of the Mayor:
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4 **ORDINANCE 2023-766**

5 AN ORDINANCE APPROPRIATING \$1,813,000 FROM
6 GENERAL FUND OPERATING - FUND BALANCE TO PROVIDE
7 FUNDING FOR THE CITY'S ACQUISITION OF AN
8 APPROXIMATELY .38 ACRE IMPROVED PARCEL LOCATED
9 AT 865 GOLFAIR BOULEVARD, JACKSONVILLE, FLORIDA
10 (R.E. NO. 031960-0000) IN COUNCIL DISTRICT 10
11 (THE "PROPERTY"), TO BE USED AS A COMMUNITY
12 CENTER OR PUBLIC BUILDING, AS INITIATED BY B.T.
13 24-017; APPROVING AND AUTHORIZING THE MAYOR, OR
14 HER DESIGNEE, AND THE CORPORATION SECRETARY TO
15 EXECUTE AND DELIVER THAT CERTAIN REAL ESTATE
16 PURCHASE AGREEMENT (THE "AGREEMENT") BETWEEN THE
17 CITY OF JACKSONVILLE AND SBPS #3 JI LLC, A
18 FLORIDA LIMITED LIABILITY COMPANY, AND ALL
19 CLOSING AND OTHER DOCUMENTS RELATING THERETO,
20 AND TO OTHERWISE TAKE ALL NECESSARY ACTION TO
21 EFFECTUATE THE PURPOSES OF THE AGREEMENT TO
22 PURCHASE THE SUBJECT PROPERTY AT THE NEGOTIATED
23 PURCHASE PRICE OF \$1,800,000; AMENDING THE 2024-
24 2028 FIVE-YEAR CAPITAL IMPROVEMENT PLAN APPROVED
25 BY ORDINANCE 2023-505-E TO ADD THE PROJECT
26 ENTITLED "BRENTWOOD COMMUNITY CENTER" AND TO
27 REFLECT THIS APPROPRIATION OF FUNDS TO THE
28 PROJECT; PROVIDING FOR OVERSIGHT BY THE REAL
29 ESTATE DIVISION AND PARKS, RECREATION, AND
30 COMMUNITY SERVICES DEPARTMENT; PROVIDING AN
31 EFFECTIVE DATE.

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2 **WHEREAS**, SBPS #3 JI LLC, a Florida limited liability company
3 ("Seller"), is the owner of improved real property approximately .38
4 acres located at 865 Golfair Boulevard, Jacksonville, Florida (R.E.
5 No. 031960-0000) (the "Property"); and

6 **WHEREAS**, the Property is located in the Brentwood community in
7 Council District 10 and adjacent to KIPP Voice Academy, a public
8 charter school with approximately 800 enrolled students (the
9 "School"); and

10 **WHEREAS**, the Seller previously intended to use the Property as
11 a liquor store; and

12 **WHEREAS**, in the best interest of the Brentwood community and the
13 City, the City agrees to purchase the Property from Seller for the City's
14 use as a community center or public building as provided herein; now
15 therefore

16 **BE IT ORDAINED** by the Council of the City of Jacksonville:

17 **Section 1. Recitals.** The recitals above are correct and
18 incorporated herein by reference.

19 **Section 2. Appropriation.** For the 2023-2024 fiscal year,
20 within the City's budget, there are hereby appropriated the indicated
21 sum(s) from the account(s) listed in subsection (a) to the account(s)
22 listed in subsection (b):

23 (B.T. 24-017, attached hereto as **Exhibit 1** and incorporated herein
24 by this reference)

25 (a) Appropriated from:

26 See B.T. 24-017 \$1,813,000

27 (b) Appropriated to:

28 See B.T. 24-017 \$1,813,000

29 (c) Explanation of Appropriation:

30 The funding above represents an appropriation of \$1,813,000
31 from the General Operating Fund - Fund Balance account for

1 the acquisition of the Property for the City's use as a
2 community center or public building in the Brentwood
3 community (the "Project").

4 **Section 3. Purpose.** The purpose of the appropriation in
5 Section 2 is to provide funding for the acquisition of the Property
6 for the Project.

7 **Section 4. Approval and Authorization to Execute Real**
8 **Estate Purchase Agreement and Closing Documents.** The Real Estate
9 Purchase Agreement (the "Agreement") provides for the acquisition of
10 the Property, as depicted on **Exhibit 2**, for the City's use as a
11 community center or public building. There is hereby approved, and
12 the Mayor, or her designee, and the Corporation Secretary are hereby
13 authorized to execute and deliver, for and on behalf of the City,
14 that certain Real Estate Purchase Agreement between the City and
15 Seller, in substantially the form attached hereto as **Exhibit 3** and
16 incorporated herein by this reference, and all such closing and other
17 documents necessary or appropriate to effectuate the purpose of this
18 Ordinance (with such "technical" changes as herein authorized). The
19 negotiated purchase price of the Property is \$1,800,000 and is
20 supported by an appraisal obtained by the City. The Agreement does
21 not require a deposit from the City.

22 The Real Estate Purchase Agreement, and any and all closing and
23 other documents related thereto, may include such additions,
24 deletions, and changes as may be reasonable, necessary, and incidental
25 for carrying out the purposes thereof, as may be acceptable to the
26 Mayor, or her designee, with such inclusion and acceptance being
27 evidenced by execution of the Agreement by the Mayor, or her designee;
28 provided however, no modification of the Agreement or related
29 documents may increase the financial obligations or liability of the
30 City to an amount in excess of the amount stated in the Agreement or
31 decrease the financial obligations or liability of the Sellers, and

1 any such modification shall be technical only and shall be subject
2 to appropriate legal review and approval by the Office of General
3 Counsel. For purposes of this Ordinance, the term "technical changes"
4 is defined as those changes having no financial impact to the City,
5 including, but not limited to, changes in legal descriptions or
6 surveys, ingress and egress, easements and rights of way, design
7 standards, access and site plans, resolution of title defects, if
8 any, and other non-substantive changes that do not substantively
9 increase the duties and responsibilities of the City under the
10 provisions of the Agreement.

11 **Section 5. Capital Improvement Plan Amendment.** Ordinance
12 2023-505-E, adopting the 2024-2028 Five-Year Capital Improvement Plan
13 (the "CIP") for the City and certain of its independent agencies, is
14 hereby amended to include the appropriation of funds to the Project,
15 as more fully described in the Project Information Sheet attached
16 hereto as **Exhibit 4** and incorporated herein by this reference. The
17 City Council finds that the deferral of this amendment of the CIP
18 until the next annual budget and CIP review will be detrimental to
19 the best interests of the community because the City's acquisition
20 of the Property will enable the City to provide a community center
21 or public building in the Brentwood community.

22 Pursuant to Section 122.605(c), *Ordinance Code*, enactment of
23 this Ordinance requires the affirmative vote of two-thirds of the
24 City Council members present at the meeting because of the CIP
25 amendment set forth in this section. This Ordinance shall constitute
26 an amendment to Ordinance 2023-505-E. In all other respects, the
27 Five-Year Capital Improvement Plan approved by Ordinance 2023-505-E
28 shall remain unchanged and continue in full force and effect.

29 **Section 6. Oversight.** The Real Estate Division of the
30 Department of Public Works shall oversee the acquisition of the
31 Property, and the Department of Parks, Recreation, and Community

